

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

IN THE UNITED STATES DISTRICT COURT

99 JAN 11 PM 3:39

FOR THE DISTRICT OF NEW MEXICO

Robert M. Marshall
CLERK - LAS CRUCES

Kent R. Carter,

Plaintiff

CIV 99-0040 JC

-vs-

CIV NO.

State of New Mexico
Taxation and Revenue
Department et. al.,

CIVIL ACTION PURSUANT TO
TITLE 42 U.S.C. § 1983
LORENZO F. GARCIA

Defendant(s).

CIVIL ACTION

Comes Now the Plaintiff Kent R. Carter, in and through the foregoing undersigned, Pursuant to Title 42 U.S.C. § 1983, the Civil Rights Act of 1871 as a Pro se Litigant, and Pursuant to D.N.M.LR-Civ. 5.3 (c)(1), and 7.1 of the Federal Rules of Civil procedures for the United States District Court, District of New Mexico, Dona Ana County Las Cruces, New Mexico.

Plaintiff will show good cause for his action under Title 42 U.S.C. § 1983 in the following order:

JURISDICTION

Plaintiff alleges that this is an action for Declaratory and Injunctive relief and that this honorable Court Has Jurisdiction Title 28 U.S.C. 1331v, Title 5 U.S.C. § 5517, and Title 28 U.S.C. § 1332. Further Plaintiff seeks damages for the willful, wonting, and deliberate violations of his Constitutional Rights secured by the United States Constitution;

DEFENDANT(S)

(1) Governor Gary Johson, Governor of the State of New Mexico
State Capital Room 401 Sante Fe, New Mexico [87503]:

(2) John J. Chavez, New Mexico State Taxation and Revenue
Department P.O. Box 5779 Sante Fe, New Mexico [87509]

RELIEF REQUESTED

(1) Grant a declatory Judgement that the Defendant(s) conduct
has violated the Plaintiff's Civil Rights secured by the United
States Constitution:

(2) Issue an order of Injunction restraining the Defendant(s)
from any further proceedings until further order of this honorable
Court:

(3) Award the Plaintiff Nominal Damages of \$50,000), from the
State of New Mexico and each Defendant:

(4) Award the Plaintiff Punitive Damages of \$50,000,) from the
State of New Mexico and each of the Defendant(s) for the willful
and deliberate violations of the Plaintiff(s) Civil Rights secured
by the United States Constitution:

STATEMENT OF CLAIM

The Plaintiff brings his complaint against each Defendant for
deliberate and wonting violations of his Constitutional Rights
secured by the United States Constitution, and Plaintiff further
claims that he need only set fourth facts giving rise to the cause
of his action and that unless it appears beyond a reasonable doubt
that he can prove no set of facts which would entitle him to the
relief now respectfully requested, his complaint should not be
dismissed;

1
2 CONTINUED STATEMENT OF CLAIM

3 Further Plaintiff claims that in order for this honorable court to
4 determine wether to dismiss Plaintiff(s) complaint, it must view
5 the well-pleaded material allegations of Plaintiffs complaint in a
6 light most favorable to him, with his alleged facts accepted as
7 true.

8 More specifically the Plaintiff shows by exhibits attached
9 herewith, that on the 28, day of December 1998, the Defendant(s)
10 wrote a letter to the Plaintiff stating that they have filed a
11 lien with the motor vehicle Divison against the Plaintiff(s)
12 property and in this letter they threaten the Plaintiff with the
13 New Mexico statutes stating that if the Plaintiff did not turn
14 over his certificate's of title to them it would become a felony
15 matter.

16 Plaintiff claims that the above stated is totaly unethical
17 and unconstitutional because it violates his Fifth and Sixth, and
18 Fourteenth Amendment Constitutional Rights to the equal protection
19 of law and for the Defendant(s) deliberate conduct, they cannot
20 legally claim immunity from Title 42 U.S.C. § 1983.

21 More specifically Plaintiff claims that he cannot find any-
22 where in the Constitution where it says that Plaintiff is to pay
23 his "non U.S." earnings to the New Mexico State Taxation and
24 Revenue Department upon demand. Plaintiff is shocked to the form
25 of the accusation on the grounds that it is so indefinite, and
26 uncertain and vague that he cannot identify the transaction or
27 statute that created the liability so that he could prepare a
28 defense;

CONTINUED STATEMENT OF CLAIM

Further Plaintiff objects to the sufficiency of the Defendant(s) demand on the grounds that their claim fails to provide or show any particular statute, Code Section, and implementing Regulation or Federal Register citation, defining the specific acts, and or omissions which Plaintiff has committed or omitted, which would constitute an offense, and which has created this alleged illegal liability.

More specifically Plaintiff claims that before he can be deprived of life/liberty/property, he is to be afforded due-process of law and since the Defendant(s) for some reason doesn't understand what due-process means, Plaintiff will Respectfully explain and define. Due-process means:

(1) No execution upon life/liberty/property without a Judgment:

(2) No Judgement without a unanimously guilty verdict:

(3) No trial without a jury of equal peers:

(4) No trial without a indictment:

(5) No indictment without admissible evidence:

(6) No admissible evidence via his compelled testimony, and:

(7) No admissible evidence without a lawful search/seizure:

(8) No lawful search/seizure without a warrant:

(9) No warrant without probable cause:

(10) Now probable cause without the consent of a Judge and or a grandjury:

(11) No jurisdiction without authorization:

(12) No authorization without either the Constitution or the Plaintiff;

1
2 The Fourteenth Amendment of the United States Constitution
3 provides that the Plaintiff be afforded:

4 (1) The equal protection of Law:

5 (2) The Due Process of Law

6 (3) The right to be free from coercion and threats and promises
7 not fulfillable or by their nature improper as having no proper
8 authority as to the Plaintiff's "non U.S. wages."

9 Under the Due Process clause of the Fourteenth Amendment of
10 the United States Constitution the Plaintiff is to be afforded a
11 fair trial and treated fairly and in an orderly manner. Plaintiff
12 claims and clearly shows that the treatment thrown at him by the
13 Defendant(s) has been nothing less than a series of unfair and
14 harsh jolts and shocks and insecurities, and deliberate wanton
15 deprivations of his constitutional rights.

16 Further Plaintiff claims that he is a natural born free
17 sovereign of the Republic of New Mexico and has been since 1949,
18 and that he is a natural born Citizen, engaged, therein, in an
19 occupation of common right pursuant to the 9th Amendment, and re-
20 ceiving no social security wages or income under the public salary
21 Act of 1939, and to allow the Defendant(s) to continue these un-
22 constitutional acts, is a violation of Plaintiff(s) constitutional
23 rights and does subject them to Title 42 U.S.C. § 1983. More
24 specifically Plaintiff claims that the State of New Mexico, and
25 the Internal Revenue Service does not have jurisdiction over his
26 Life/property/or money and to allow the Defendant(s) to take the
27 Plaintiff(s) property as showing attached herewith as exhibit's
28 marked as A-1 through 33 in support of Plaintiff(s) complaint;

CONTINUED STATEMENT OF CLAIM

Plaintiff further claims that by proof of the exhibit's attached herewith, he has no other alternative but to bring this action into the United States District Court for the District of New Mexico for relief. Plaintiff has tried to settle the matters with the Defendant(s) but for some reason they think that they are above the law and can do what ever they want to without due-process

WHEREFORE: Plaintiff is entitled to the relief he now seeks and Respectfully that this honorable Court accept jurisdiction over these unconstitutional matters and give the Plaintiff the relief requested of.

RESPECTFULLY SUBMITTED This 7 day of JAN 1999,

by: Kent R. Carter
PLAINTIFF

I, Kent R. Carter, declares under the penaltys of perjury that the above stated information is true and correct to the best of my knowledge

Rouderly Gardner
witness 1-7-99

Ronald L. James
witness 1-7-99

one copy delivered to
clerk of the United States
District Court, for the
District of New Mexico Las Cruces,
this ___ day of ___, 1999

John J. Chavez New Mexico
State Taxation and Revenue
Department P.O.Box 5779
Sante Fe, New Mexico
this ___ day of ___, 1999

one mailed to:

Governor Gary Johnson
State Capital Room 401
Sante Fe New Mexico 87503
this ___ day of ___, 1999
And one mailed to,

THE EXHIBITS ATTACHED TO THE
COMPLAINT IN THIS CASE ARE TOO
VOLUMINOUS TO SCAN. THE EXHIBITS
ARE ATTACHED TO THE ORIGINAL
COMPLAINT IN THE CASE FILE
LOCATED IN THE RECORDS
DEPARTMENT U. S. DISTRICT COURT
CLERK'S OFFICE.